

# EXHIBIT A

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In Re:  
Bair Hugger Forced Air Warming  
Products Liability Litigation

This Document Relates To:

All Actions MDL No.  
15-2666 (JNE/FLN)  
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VIDEOTAPED DEPOSITION

OF

SCOTT D. AUGUSTINE, M.D.

Minneapolis, Minnesota

Friday, March 31, 2017  
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Reported by:  
Amy L. Larson, RPR  
Job No. 121237

AUGUSTINE

APPEARANCES:

ON BEHALF OF 3M:

COREY GORDON, ESQUIRE

PETER GOSS, ESQUIRE

MICAH HINES, ESQUIRE

BLACKWELL BURKE

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FOR AUGUSTINE BIOMEDICAL + DESIGN/DEPONENT:

AUGUSTINE BIOMEDICAL + DESIGN

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FOR THE PLAINTIFF:

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1 AUGUSTINE

2 APPEARANCES: (Cont'd.)

3 FOR THE PLAINTIFF:

4 BEN GORDON, ESQUIRE

LEVIN, PAPANTONIO, THOMAS, MITCHELL

5 RAFFERTY & PROCTOR

316 S. Baylen Street

6 Pensacola, FL 32502

7  
8  
9 ALSO PRESENT: Janelle Pepper, 3M

Stefan Sigurdson, Videographer

1 AUGUSTINE

2 Dr. Augustine. But we have additional  
3 questions and understand that ultimately this  
4 will be resolved by the court. But I'm  
5 assuming is what you're saying is you're not  
6 going to allow me any further questions.

7 MR. BENHAM: My understanding is  
8 you get seven hours, there was an order  
9 saying you got seven hours, so I don't have  
10 any instructions from the court other than to  
11 give you seven hours, which I just did.

12 MR. COREY GORDON: Understood.

13 MS. CONLIN: Just a couple  
14 clean-up questions, Dr. Augustine.

15

16 EXAMINATION

17 BY MS. CONLIN:

18 Q. We've never met before; is that right?

19 A. That's correct.

20 Q. And have we ever spoken before?

21 A. I don't believe so.

22 Q. And Mr. Gordon was just talking with you  
23 about this last exhibit, Exhibit 7, and this  
24 reference to Arizant also threatened the  
25 investigators involved with this later --

1 AUGUSTINE

2 this latest study. What did -- what did you  
3 mean by the fact that you thought 3M was  
4 threatening authors of various studies?

5 A. I don't remember all the details, but I know  
6 that they were threatening the guys in the  
7 UK, I believe, with legal action if they  
8 followed through and published studies.

9 Q. Okay. And do you recall earlier today when  
10 you were talking about the med -- Mr. Gordon  
11 was asking about the MedWatch report and the  
12 reference to Dr. Suzanne Beavers calling them  
13 reservoirs of infection?

14 A. Yes.

15 Q. I want you to assume that 3M contacted  
16 Dr. Beavers and pressured her to withdraw the  
17 statement on reservoirs of infection, would  
18 that be similar to what you're talking about  
19 in connection with these UK authors?

20 MR. COREY GORDON: Object to the  
21 form of the question, assumes facts not in  
22 evidence.

23 THE WITNESS: It is similar. And  
24 I actually heard that that's what they did  
25 back at that time.

1 AUGUSTINE

2 MR. COREY GORDON: Move to strike.

3 BY MS. CONLIN:

4 Q. And then also I just want to clear up,  
5 Mr. Gordon was asking you some questions  
6 about the MRD or MDR, the submission to the  
7 FDA?

8 A. Yes.

9 Q. That wasn't done at the direction or  
10 instruction of any plaintiffs' lawyers,  
11 correct, Doctor?

12 MR. COREY GORDON: Objection;  
13 leading.

14 THE WITNESS: No, that was my  
15 idea.

16 MS. CONLIN: Okay.

17 BY MS. CONLIN:

18 Q. And nobody asked you to do that on behalf of  
19 any plaintiffs?

20 MR. COREY GORDON: Same objection.

21 THE WITNESS: No.

22 MS. CONLIN: Okay.

23 BY MS. CONLIN:

24 Q. And in connection with the questions  
25 Mr. Gordon was asking you about work by

1 AUGUSTINE

2 Kennedy Hodges, that was involved in the  
3 Walton and Johnson cases, correct?

4 MR. COREY GORDON: Same  
5 objections.

6 THE WITNESS: Could you ask that  
7 again?

8 MS. CONLIN: Sure.

9 BY MS. CONLIN:

10 Q. In connection with the questions that  
11 Mr. Gordon was asking you about regarding  
12 some assistance, scientific assistance that  
13 you gave to the Kennedy Hodges firm, that was  
14 in connection with the cases down in Texas,  
15 correct?

16 A. That's correct.

17 MR. COREY GORDON: Objection;  
18 leading, also lack of foundation, assumes  
19 facts not in evidence.

20 BY MS. CONLIN:

21 Q. And, in fact, you don't have any substantive  
22 involvement in this MDL that's placed in  
23 Minnesota, isn't that right, Doctor?

24 MR. COREY GORDON: Object to the  
25 form --



1 AUGUSTINE

2 THE WITNESS: That's correct.

3 MR. COREY GORDON: -- leading.

4 MS. CONLIN: No further questions.

5 MR. BENHAM: And we do not waive  
6 reading and signing. And I guess we get to  
7 designate confidentiality after we get a  
8 transcript and some reasonable time passes,  
9 but I would request that things be kept  
10 confidential until we have the opportunity to  
11 do that. And you're nodding of the head  
12 means yes, correct? Yes?

13 MS. CONLIN: Yeah, that's your  
14 right.

15 MR. BENHAM: Thank you.

16 THE VIDEOGRAPHER: We're going off  
17 the record. The time is 5:49 p.m.

18 (Whereupon, the foregoing  
19 deposition concluded at 5:49 p.m.)  
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